IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

W.P.No.39601 of 2006

S.C.Agarwal .. Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 8.

2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 3.

3.Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai 35
Rep. by its Chairman.

4.S.Narayanan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct respondents 1 and 2 to take action on the representations dated 21.8.2006 and 15.09.2006 submitted by the petitioner for demolition and removal of the illegal and unauthorised construction put up by the fourth respondent in the common area provided in the plot bearing Block No.P, comprising flat Nos.P-60 to 63, 21st Street, Anna Nagar East, Chennai 102.

For Petitioner : Mr.S.Thenka sivan
For R-1 : Mr.J.Ravindran
For R-2 : Mr.Mohammed Gouse
For R-3 : Mr.R.Girirajan
For R-4 : Mr.Srinath Sridevan

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner has approached this Court to issue a writ of mandamus directing respondents 1 and 2 viz., Chennai Metropolitan Development Authority and the Commissioner, Corporation of Chennai respectively, to take action on the representations dated 21.08.2006 and 15.09.2006 submitted by the petitioner for demolition and removal of the illegal and unauthorised construction put up by the fourth respondent in the common area provided in the plot bearing Block No.P, comprising Flat Nos.P-60 to 63, 21st Street, Anna Nagar East, Chennai 102.

2. Heard the learned counsel for the petitioner as well as the respondents including the fourth respondent.

3. The relief as prayed for cannot be granted by this Court at this juncture. However, in view of the fact that the representations of the petitioner dated 21.08.2006 and 15.09.2006 are still pending with the second respondent, who is the authority to consider and pass orders, we are of the view that ends of justice would be met by issuing the following direction:

The second respondent – Commissioner, Corporation of Chennai, is directed to consider and dispose of the representations dated 21.08.2006 and 15.09.2006 of the petitioner, after affording opportunity to all the parties including the fourth respondent in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of on the above terms. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gms

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 8.

2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 3.

3. The Chairman,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai 35

+1cc to Mr.S.Thankasivan, Advocate Sr 39601

+1cc to Mr.Srinath Sridevan, Advocate Sr 54176

+1cc to Mr.J.Ravindran, Advocate Sr 54108

+1cc to Mr.R.Girirajan, Advocate for TNHB Sr 54250

TM (CO)
km/22.11.

W.P.No.39601 of 2006

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